

REMARKS

Claims 120-143 and 198 are pending on merits upon entry of this paper. Applicants respectfully request entry of the following remarks. Claims 1-119 have been canceled without prejudice or disclaimer. Applicants have withdrawn claims 144-197 and 199 without prejudice or disclaimer. Applicants reserve the right to file one or more divisional, continuation, or continuation-in-part applications to withdrawn or canceled subject matter disclosed in the application as originally filed. No new matter has been added by this paper.

I. The Rejections Under 35 U.S.C. § 112 Should Be Withdrawn

Claims 120-121, 125-130, 134, 136, 138-142, and 198 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being incomplete. Specifically, the Office Action states that claim 120 was incomplete for omitting essential elements, including an origin of DNA replication and an integration sequence. Applicants respectfully traverse the rejection for the reasons stated below.

Applicants respectfully point out that claim 120 is complete and contains all required elements for operating the claimed method. Specifically, it is not necessary that the expression vector comprise an origin of DNA replication and insertion sequence. An expression vector without these two elements can still encode an antigen that is capable of activating a T-cell. Importantly, it is not essential that the vector be capable of replication and/or insertion into the genome.

Applicants therefore respectfully submit that the rejection to claim 120 and corresponding dependant claims 121, 125-130, 134, 136, 138-142, and 198 Under 35 U.S.C. § 112, second paragraph, should be withdrawn.

II. Obviousness Type Double Patenting Rejection Has Been Overcome

Claims 120-143, 198 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 76-84 of U.S. Patent No. 6,500,641 B1. The Examiner alleges that although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed subject matters overlap the scope. The Examiner further alleges that claim 120 is broadly drafted that would incorporate any

and all species that may or may not present in 6,500,641 patent. This ground for rejection is respectfully traversed.

While Applicants do not necessarily agree with this ground for rejection, in order to expedite the prosecution of this application to allowance, a Terminal Disclaimer is being filed herewith relative to U.S. Patent No. 6,500,641. However, this Terminal Disclaimer is being submitted with the understanding that the filing of this Terminal Disclaimer is not intended to be, and does not constitute, an admission that an obviousness-type double patenting rejection would be proper between the claims of this reference and the presently claimed invention (*see* MPEP 804.02 II).

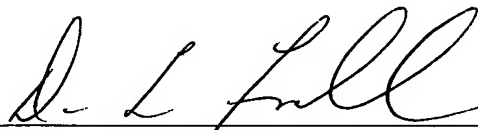
III. Conclusion

No fees are believed due for this submission; however, should the Examiner find any fees are due, please charge such fees to Deposit Account 50-0310.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any necessary fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

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